

Elmer Stewart Rhodes, Pro Hac Vice, Montanan Bar  
No. 8128

**LAW OFFICE OF ELMER STEWART  
RHODES**

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*Attorney for Plaintiff*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA**

Michael Allen Roth,

Plaintiff,

v.

Town of Quartzsite; Jeff Gilbert and  
Sondra Gayle Gilbert, husband and  
wife; Officer Fabiola Garcia, #42, and  
John Doe Garcia, Wife and Husband;  
Individual Does I-X,

Defendants.

NO. 2:12-cv-02698-SLG

Unopposed Motion by Plaintiff's Attorney  
Elmer Stewart Rhodes to Withdraw Appearance  
as Attorney

(First Request)

COMES NOW Plaintiff's attorney, Elmer Stewart Rhodes,  
and moves this Court to withdraw attorney's appearance as  
attorney for Plaintiff in this case, for good cause shown  
below. The name, last known residence and last known  
telephone number of the client, is:

Name of Client: Michael Allen Roth

Residential Address:  
55 E. Kuehn Rd.  
Quartzsite, Arizona, 85346

(as with all residences in Quartzsite, no mail is delivered to  
the residence, and all mail is delivered to a PO box instead).

Mailing Address:  
PO Box 422  
Quartzsite, AZ 85346

1 Phone: 928-927-8888  
2

3 The causes compelling and requiring this withdrawal are  
4 that counsel's family has suffered multiple family tragedies  
5 which have been devastating for counsel and his family and  
6 have exponentially increased his family obligations.  
7

8 Counsel now has to care for his brain injured adult sister  
9 after her daughter (Counsel's niece) was seriously injured and  
10 disfigured in a car accident in late April, 2013, in Nevada,  
11 wherein she lost an ear, among other severe injuries. Because  
12 of Counsel's niece's severe injuries, ongoing reconstructive  
13 surgery, and subsequent unemployment, she was unable to  
14 continue to care for her brain injured mother, and Counsel  
15 has had to assume those considerable responsibilities of  
16 caring for his brain injured adult sister, who now lives full-  
17 time with Counsel and his family in Montana.  
18

19 Further, Counsel's elderly Mother-in-Law is very ill and  
20 has been hospitalized multiple times in the past four months.  
21 This has been very trying on Counsel's family, and it is now  
22 apparent that Counsel and his wife will have to provide end-  
23 of-life care to Counsel's Mother-in-Law.  
24  
25  
26  
27  
28

1 Both of these events have placed tremendous,  
2 overwhelming time and emotional burdens on Counsel and his  
3 family. All of this comes after Counsel and his wife suffered  
4 the loss of their baby the year before. The stress and strain  
5 on Counsel and his family has taken a serious toll, with  
6 Counsel's family responsibilities and grief seriously  
7 affecting his legal practice over the past year, and especially  
8 over the past several months, and Counsel does not believe he  
9 can effectively represent Plaintiff, Mr. Roth, under these  
10 circumstances. Counsel needs to reduce his workload so that  
11 he can focus on caring for his family and believes it is in the  
12 best interest of Plaintiff Michael Roth that he obtains new,  
13 local counsel who can commit more time to Plaintiff's case.

14 Counsel will also be withdrawing from a related case  
15 filed on behalf of Plaintiff, Civil Action No. 2:12-cv-01268-  
16 SLG, and will be confining his legal work to Montana.

17 Counsel has served the attached written notice of  
18 withdrawal on his client, Michael Roth, and also on counsel  
19 for the Defendants. Mr. Roth has expressed his consent to  
20 this withdrawal by means of a telephone call and email on  
21 December 10, 2013, and defense counsel has stated that they

1 do not oppose this motion.

2 Counsel's notice of withdrawal includes a warning to his  
3 client that the client is personally responsible for complying  
4 with all court orders and time limitations established by any  
5 applicable rules, and encourages the client to find new  
6 counsel as soon as possible.  
7

8  
9 WHEREFORE Plaintiff's Counsel, Elmer Stewart Rhodes,  
10 prays that this Court grant his motion and enter its order  
11 withdrawing his appearance in this case.  
12

13 RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of January, 2014.

14 By /s/Elmer Stewart Rhodes

15 Elmer Stewart Rhodes  
16 432 E. Idaho St., Suite C-231  
17 Kalispell, Montana 59901  
18 *Attorney for Plaintiff*

19 **CERTIFICATE OF SERVICE**

20 I hereby certify that on the 3<sup>rd</sup> day of January, 2014, I electronically transmitted  
21 the foregoing document to the Clerk's Office using the CM/ECF System for filing and  
22 transmittal of a Notice of Electronic filing to the following CM/ECF registrants:

23 Lisa S. Wahlin, State Bar No. 013979  
24 Of Counsel  
25 **RYLEY CARLOCK & APPLEWHITE**  
26 One N. Central Avenue, Suite 1200  
27 Phoenix, Arizona 85004  
28 Tel: (602) 440-4892  
Fax: (602) 257-6992  
Email: [lwahlin@rcalaw.com](mailto:lwahlin@rcalaw.com)  
*Attorneys for Defendants*

By /s/Elmer Stewart Rhodes